

Calendar date of 6/08/10

All corrections to notes on this calendar should be filed by 6/01/10. Documents filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO Rancho Cucamonga District
 Rancho District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PROBATE

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **OPR RS5142**

CASE NAME: IN THE ESTATE OF NORA ETHEL KENDALL

HEARING:
Accounting Review

COUNSEL:
LAVERNE A SCHILDBERG (PET)...DANIEL A VEREKER
NORA ETHEL KENDALL (DEC)...
PAMELA MELLO (PET)...BANKS GARCIA & JANIS

X REFERENCE PROPS0700981 #16

GENERAL INFORMATION

Continued from 12-15-09. No appearance. Clerk mailed notice.

Continued from 04-20-10 at request of counsel.

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of successor administration issued on 10/20/08, \$25,000 bond.
Decedent died 9/5/1970. Laverne Schildberg, executor, died 4/27/02.
2. No accounting or probate status report is filed by either the prior or successor administrator. Sole asset of the estate is real property at 519 W. Main Street, Ontario.
3. Need Certificate of Inheritance Tax Clearance as decedent died before 1982.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bond company.

(abs/vet/abs/gls/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000033**

CASE NAME: RACHEL LOPEZ REVOCABLE LIVING TRUST

HEARING:

Petition for ORDER DETERMINING EXISTENT OF TRUST & FOR ORDER
DETERMINING TITLE TO PROPERTY

COUNSEL:

RACHEL LOPEZ REVOCABLE LIVING (TRU)...
TERESA RAMONA ZUNIGA (TEE)...PRO/PER

GENERAL INFORMATION

Continued from 3/3/10 at request of petitioner to clear notes.

Continued from 04-20-10 at request of petitioner to clear notes.

THIS CASE IS SET FOR HEARING ON Petition for determination of trust and to
determine trust property (Pr.C. 850 and Heggstad).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that trustor created the subject trust and pour-over will in 2005; that trustor died in 2009; that the first named successor trustee, Cheryl Bartree, has failed to properly administer the trust and has demanded cash for doing so, and that petitioner is the next named successor trustee and sole beneficiary of the trust.
2. Petitioner requests removal of successor trustee Cheryl Bartree and appointment of herself as next successor trustee.
3. Petitioner also requests a determination per Heggstad (1993) 16 Cal.App.4th 943 that certain real and personal property is trust assets. Specifically, petitioner seeks to have trustor's Victorville, CA residential real property, a life insurance policy, shares of Computershare Investor Services and Verizon Communications, and all of trustor's other personal property be found to be trust assets. Petitioner argues that there is evidence that trustor intended for the property to be trust assets. Petitioner notes that the real property is listed on the Schedule of trust Assets attached to the trust instrument. Petitioner states that the personal property items were not listed as trust assets in the trust

instrument. Question how the personal property can be determined to be trust assets when they are not listed in the trust instrument or attachment thereto (only the real property is listed) and there is no real argument to support a court finding that trustor intended the personal property to be trust assets. Need verified supplement and/or P&As.

4. Notice of Hearing with proof of service filed. However, need notice of hearing and proof of service per Pr.C. 851.

RECOMMENDATION

Need to clear notes then court's discretion.

Abs/gls/vet

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000053**

CASE NAME: GILBERT VALDERRAMA

SEE ALSO 4

HEARING:

Hearing re: Petition for Letters of Admin. W/Limited Authority under IAEA

COUNSEL:

MARIO VALDERRAMA (PET)...MACKSOUD & MACKSOUD

GILBERT VALDERRAMA (DEC)...

LORRAINE VALDERRAMA (PET)...ROBBINS & HOLDAWAY

GENERAL INFORMATION:

Continued from 3/9/10. Lorainne Valderrama (surviving spouse) states she will be filing a competing petition.

Continued from 05-06-10 at request of counsel to be heard with competing petition.

THIS CASE IS SET FOR HEARING ON

Petition #1: Petition for Letters of Administration with full authority under IAEA by son, Mario Valderrama.

Petition #2: Petition for Letters of Administration with limited authority under IAEA by surviving spouse, Lorraine Valderrama.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition #1 – Mario Valderrama

1. Section 8 of the petition is incomplete as the address for decedent's father. Petitioner states it is unknown whether decedent's father is alive or deceased. Does Court wish to require a due diligence declaration? JTD.
2. Petitioner requests \$10,500 bond based upon annual rental income of same. Appears insufficient as estate is valued at \$384,000 and petitioner is requesting full authority. Suggest bond of \$395,000. JTD.

Petition #2 – Lorraine Valderrama

1. Need proof of publication.

2. Petitioner seeks limited powers, thus reducing requirement for bond. Petitioner requests bond of \$20,000 based on estimated estate value of \$251,000 consisting of real property. Does court wish to require maximum bond of \$251,000 or minimum bond of \$20,000? JTD.

RECOMMENDATION:

It would appear that petitioner #2 has priority. RFA subject to note 1, \$20,000 bond as to petitioner #2. If approved, set future hearing for Accounting/Status Review on **08-16-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet/gls/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000053**

CASE NAME: GILBERT VALDERRAMA

SEE ALSO 3

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

MARIO VALDERRAMA	(PET)...	MACKSOUD & MACKSOUD
GILBERT VALDERRAMA	(DEC)...	
LORRAINE VALDERRAMA	(PET)...	ROBBINS & HOLDAWAY

See prior matter #2.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000107**

CASE NAME: FRIEDRICH W. WEGENER

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

HELEN WARD (PET)...BARBARA G. KNOX
FRIEDRICH H. WEGENER (DEC)...

GENERAL INFORMATION:

Continued from 03-23-10 at request of counsel to clear notes.

Continued from 05-04-10. Petitioner nor counsel present. Attorney Hartnell states that he does not object to the petition if a bond in the amount of \$150,000 is ordered. Matter continued for petitioner or counsel to be present. Court notes that the German Consulate needs to be given notice.

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary w/full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. **Need Notice of Hearing (continued) with proof of service, to include German Consulate, at court's direction on 05-04-10.**

RECOMMENDATION:

RFA subject to notice, no bond. If approved, set future hearing for Accounting/Status Review on **08-16-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet/abs/vet/abs/gls/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000115**

CASE NAME: MTR OF JESSE S DE ANDA

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary W/full Authority Under IAEA..

COUNSEL:

JAMES DE ANDA	(PET)...ROBERT A MCCARTY
JESSE S DE ANDA	(DEC)...
DENICE DEANDA	(OBJ)...TRENT THOMPSON & ASSOCIATES

X REFERENCE PRO 1000206 #7 & #8

GENERAL INFORMATION:

Continued from 03-23-10. Attorney Christopher Nelson states that objections have been prepared and sent to the court for filing.

Continued from 05-04-10. Parties confer on the record and continue matter.

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary w/full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. **Objections filed by Denice DeAnda (daughter).**

RECOMMENDATION:

Set for contested hearing.

(vet/abs/vet/gls/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000206**

CASE NAME: THE JESSE S. DeANDA TRUST

SEE ALSO 8

HEARING:

OSC re: Proof of Blocked Account filed by LISA BREWSTER

COUNSEL:

LISA BREWSTER	(PET)...TRENT THOMPSON & ASSOCIATES
DENICE DEANDA	(PET)...TRENT THOMPSON & ASSOCIATES
BERNICE DEANDA	(PET)...TRENT THOMPSON & ASSOCIATES
VINCENT DEANDA	(PET)...TRENT THOMPSON & ASSOCIATES
STEPHEN DEANDA	(PET)...TRENT THOMPSON & ASSOCIATES
THE JESSE S. DEANDA TRUST	(TRU)...

X REFERENCE PRO 1000115 #6

NO FILE AVAILABLE FOR REVIEW.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000206**

CASE NAME: THE JESSE S. DeANDA TRUST

SEE ALSO 7

HEARING:

Petition for TO INVALIDATE TRUST AMENDMENT

COUNSEL:

LISA BREWSTER	(PET)...TRENT THOMPSON & ASSOCIATES
DENICE DEANDA	(PET)...TRENT THOMPSON & ASSOCIATES
BERNICE DEANDA	(PET)...TRENT THOMPSON & ASSOCIATES
VINCENT DEANDA	(PET)...TRENT THOMPSON & ASSOCIATES
STEPHEN DEANDA	(PET)...TRENT THOMPSON & ASSOCIATES
THE JESSE S. DEANDA TRUST	(TRU)...

X REFERENCE PRO 1000115 #6

NO FILE AVAILABLE FOR REVIEW.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000239**

CASE NAME: TERESA ANN MURRAY

HEARING:
Petition to determine succession to Real Property

COUNSEL:
KIMBERLY ANN MURRAY (PET)...EDWARD B FISCHER & ASSOCIATES
TERESA ANN MURRAY (DEC)...

GENERAL INFORMATION:
Continued from 05-04-10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession to Real Property (Estates \$100,000 or less).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests a determination that decedent's real property located in San Bernardino County pass to petitioner without administration. Petitioner claims a 50% ownership of the real property. Petitioner is decedent's daughter and beneficiary in decedent's will. Petitioner attaches a copy of decedent's will showing that petitioner is decedent's only heir.

RECOMMENDATION:
RFA.

(vet/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000327**

CASE NAME: DORIS A ROBERTSON

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary w/full Authority Under IAEA..

COUNSEL:

SABINE ROBERTSON-PHILLIPS (PET)...HORSPOOL & PARKER
DORIS A ROBERTSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Will waives bond.
3. Will potentially incorporates terms of decedent's trust. Need copy of trust instrument as part of documents being probated.

RECOMMENDATION:

RFA subject to note 3, no bond. If approved, set future hearing for Accounting/Status Review on **08-16-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000329**

CASE NAME: DAVID F. UTTZ REVOCABLE TRUST

HEARING:

Petition for TO CONFIRM POWER TO SELL REAL PROPERTY OF THE TRUST
AND FOR APPROVAL THEREOF; ETC

COUNSEL:

DAVID F UTTZ JR (PET)...MAUREEN MURATORE
DAVID F. UTTZ REVOCABLE TRUST (DEC)...

X REFERENCE RC RS00461

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Confirm Power to Sell Real Property of the Trust; to Authorize Trustee to Contest, Defend and/or Settle Tax Claims.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need Notice of Hearing with proof of service.
2. Need Notice of Related Case re: Conservatorship Estate.
3. Petitioner was appointed conservator of the person and estate of David F. Uttz, Sr., and appointed Successor Trustee of the David F. Uttz Revocable Trust, dated 08-20-02 on 04/24/07. Trustor passed away on 01-19-10.
4. Petitioner seeks continued court supervision and jurisdiction over the Trust due to the alleged ongoing controversy with Trustor's wife, Delfina Uttz. Article 4, Paragraph 4.9 of the Trust gives the Trustee the power to sell trust property. However, Petitioner seeks an order confirming this power and specifically authorizing him to sell the real property located at 910 West Pine Street, Upland, CA.
5. Prior to the death of the Trustor, Petitioner retained tax counsel to deal with claims from both the IRS and the Franchise Tax Board regarding deficiency tax assessments against the estate for tax year 2006. Petitioner has received an IRS assessment for tax year 2007 and anticipates a comparable assessment from the FTB. Petitioner alleges that due to the death of the Trustor, tax liens

may be recorded against the Pine Street property owned by the Trust, if the Tax Court finds in favor of the IRS or Franchise Tax Board assessments.

6. Petitioner/Trustee seeks authority from this Court under Pr. C. § 16242 to continue to contest or settle the claims pending and to contest or settle any other claims which might arise from the IRS and Franchise Tax Board for tax years prior to the death of Trustor as the Trust does not give the Trustee the specific power to litigate issues or claims which involve trust property.

RECOMMENDATION:

Need to clear notes 1 & 2, then Court's discretion.

(vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000331**

CASE NAME: THE GEORGE W. PORTER FAMILY LIVING TRUST

HEARING:

Petition for ORDER CONFIRMING SUCCESSOR TRUSTEE & REAL
PROPERTY TRUST ASSET

COUNSEL:

KIMBERLY KATHLEEN PORTER (PET)...HOWARD S BORENSTEIN
THE GEORGE WPORTER FAMILY LIVI(TRU)...

NO FILE AVAILABLE FOR REVIEW.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0600168**

CASE NAME: ESTATE OF CINDA SUE MELLARD

HEARING:

OSC re: FTA/Failure to file an Accounting filed by JEFFREY S MELLARD

COUNSEL:

JEFFREY S MELLARD (PET)...MARIELLEN ROSS
CINDA SUE MELLARD (DEC)...
BRITTANY MELLARD (PET)...PRO/PER
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER
PATRICK B WRIGHT (PRO/PER)...PRO/PER
JAMES BANKS JR ()...

GENERAL INFORMATION:

Continued from 05-04-10 for matter to be heard in Department S33P.

THIS CASE IS SET FOR HEARING ON OSC re: Failure to Appear/Failure to file and Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set at status hearing held 03-09-10 due to non-appearance. Jeffrey Mellard is cited and required to appear at this hearing. File routed to clerks office for service of citation.
2. Need return of citation.
3. Find out status of stipulation agreed to on 03/22/07.
4. No accounting or status report. Need same.

RECOMMENDATION:

Need return of citation then Court's discretion.

(vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700325**

CASE NAME: MTR OF HAROLD L BOWEN

HEARING:

FIRST Account and Report of DANA DIANE COLEMAN and Petition for allowance of fees filed.

COUNSEL:

DANA DIANE COLEMAN (PET)...ROBERT L WISHNER
HAROLD L BOWEN (DEC)...
WELLS FARGO BANK N.A. (TP)...
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 2/18/09 to clear notes.

Continued from 4-1-09 at request of counsel.

Continued from 05/27/09 and 08/04/09 at request of counsel.

Continued from 10/27/09 at request of counsel.

Continued from 12-22-09 at request of counsel.

Continued from 02-02-10 at request of counsel to file amended account.

Continued from 04-06-10 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON

First account current and petition for Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proposed order.
2. Letters testamentary issued on 6/5/07.
3. Did decedent have a predeceased spouse who received Medi-Cal benefits? Need verified supplement.
4. Representative reports that claims totaling \$11,872.11 have been filed; that the estate consists of \$1,000 personal property and a Rancho Cucamonga real property inventoried at \$365,000; that the real property was in danger of being foreclosed upon and therefore family friends (Kenneth McPheeters and his fiancé, Marcia Hines) loaned money to the estate to keep the property afloat; that the

property has not been able to be sold; that a tenant at low rent has been obtained; that the property has negative equity; but that the family friends who have loaned money to the estate are willing to acquire the real property and provide sufficient cash on top of satisfying the existing mortgage to pay statutory fees, any additional costs of administration, and to pay creditors \$0.25 on the dollar. Representative has noticed the creditors including serving a copy of this accounting.

Representative will also serve a Notice of Proposed Action upon creditors. Issues:

- a. Representative states that an amended I&A will be filed to verify the current value of the real property. **UPDATE: Reappraisal for Sale I&A filed 2/13/09 indicating \$210,000 real property value.**
 - b. One of the claims is a \$1,367.22 claims by the Franchise Tax Board for decedent's personal income taxes. Question whether this claim can be unilaterally negotiated downward and whether, instead, this claimant would be entitled to full satisfaction before other claims are negotiated. Need verified supplement.
5. It is unclear whether representative intends this accounting to be final. The title does not reflect a final accounting and there is no proposed distribution. On the other hand, statutory fees are requested (see below). Note also that the accounting indicates a \$60,000 anticipated loss on value of real property based upon the forthcoming Supplemental I&A. In light of the pending nature of the real property disposition (see above), suggest court treat the filing as an account current and require a final accounting after the real property status is finalized and creditors are paid.
 6. Representative waives compensation.
 7. Atty seeks \$10,320 statutory fees. Calculated. Issues:
 - a. Fees would not be proper until a final accounting. See note above re finality of accounting.
 - b. The base upon which fees are calculated could change based upon the Supplemental I&A to be filed and/or the deal for disposition of the real property.
 - c. Appears that counsel received a \$2,500 cost advance from representative and that only \$985.91 has been used on costs. Counsel would need to credit any remaining balance of the advance.
 8. Representative requests \$2,500 reimbursement for costs advanced (deposited with atty for cost advance).
 9. Accounting shows loss of \$1,000 estate personal property caused by foreclosure of storage unit. Question whether representative met the fiduciary duty to maintain estate property.
 10. Summary of Account and schedules are not in form per Pr.C. 1060 et seq. Also, Summary of Accounting contains unusual entries such as anticipated loss on value of real property and a negative \$84,216.83. Accounting therefore cannot be sufficiently analyzed. Need corrected accounting.
 11. Need copies of bank statements per Local Rule 20.908 if there are remaining accounts (cannot be discerned from the accounting).
 12. Need notice of hearing and proof of service for Franchise Tax Board per Request for Special Notice.

RECOMMENDATION

Need to clear notes. Court may wish to deem this filing a status report and require work-out of real property and creditor issues, then the filing of a proper final accounting.

(Abs/ABS/NMT/cbr/abs/cbr/abs/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700867**

CASE NAME: LORRAINE CECILIA SHANKLIN

HEARING:
Accounting Review

COUNSEL:
SCOTT HANSEN (PET)...GREGORY A. PAIVA & ASSOCIATES
LORRAINE CECILIA SHANKLIN (DEC)...
DEPARTMENT OF HEALTH CARE SRVC(TP)...PRO/PER

GENERAL INFORMATION

Continued from 12-16-09 at request of counsel.

Continued from 03/17/09, 9/15/09 and 3/12/10 at request of counsel. Lawsuit pending re
real property.

Continued from 04-27-10 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review and/or Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 10/16/07 no bond.
2. Need accounting and/or status report.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall
take action as specified in Pr.C. § 11050 et seq. There is no bonding company to notice.

(cbr/NMT/cbr/kra/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0700981**

CASE NAME: MTR OF LAVERNE ALAVAN SCHILDBERG

HEARING:
Accounting Review

COUNSEL:
PAMELA MELLO (PET)...BANKS AND STRATHMAN
LAVERNE ALVAN SCHILDBERG (DEC)...
DEPARTMENT OF HEALTH CARE SERV(TP)...PRO/PER

X REFERENCE OPR RS5142 #1

GENERAL INFORMATION

**Continued from 02-03-09, 04-21-09, 06-16-09, 7/28/09, 12/15/09, 1/26/10 and 04-20-10
at request of counsel.**

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued on 11/27/07, full authority, no bond.
2. No accounting or status report is filed. Need same.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

(NMT/vet/cbr/vet/abs/vet/gls/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800545**

CASE NAME: EARLIE HOOKS

HEARING:
Accounting Review

COUNSEL:
NARVELL E. HOOKS (PET)...MARIVEL M ZIALCITA
EARLIE HOOKS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 10-15-08, no bond.
2. Waivers of account and compensation filed. Still need final report and petition for final distribution.
3. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. No bond company to notice.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800927**

CASE NAME: THE SANTA CRUZ FAMILY TRUST

SEE ALSO 19

HEARING:

Petition for RELIEF FROM BREACH OF TRUST, TO COMPEL THE
TRUSTEE TO RENDER AN ACCOUNTING, FOR REMOVAL ETC

COUNSEL:

JOSEPH SANTA CRUZ (PET)...PAUL N GATREAU
CAMERON A. SANTA CRUZ (PET)...PRO/PER
CAMERON A. SANTA CRUZ (RES)...PRO/PER
RANDALL R SANTA CRUZ (PAUL N GAUTREAU)...PAUL N GA

GENERAL INFORMATION: Continued from 12-16-08 at request of Attorney Field to file
an accounting and response to request for removal.

Continued from 02-17-09 at request of counsel.

Continued from 05/12/09, 8/18/09, 10/1/09 and 12-17-09 at request of counsel.

Continued from 02-23-10. Court orders arbitration.

THIS CASE IS SET FOR HEARING ON Petition for Relief from Breach of Trust, to
Compel the Trustee to Account and for Removal of Trustee/Appointment of Successor
Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the son and a beneficiary of the Santa Cruz Family Trust dated 9/1/94 and executed on 5/15/95. The original trustor, Alfred Santa Cruz died on 8/22/03. The second trustor, Norma J. Santa Cruz, died on 5/12/05. Upon the death of the second trustor, Cameron A. Santa Cruz, has been and is now the acting successor trustee of the trust. Petitioner alleges that the residue of the trust was to be distributed outright to the three residuary beneficiaries, free of trust, but that the successor trustee has failed and refused to make such distribution. Petitioner further alleges that the successor trustee has failed to render an accounting. Petitioner believes that respondent (successor trustee) has misappropriated some or all of the trust residue breaching respondent's fiduciary duties. Petitioner requests

that the court remove respondent as successor trustee per authority granted under Pr.C. §15642 and appoint Randall R. Santa Cruz, the successor trustee named after respondent. Petitioner also requests the court to order respondent to render an accounting from 5/15/05 – present date. Question whether written request has been made to Cameron Santa Cruz for an accounting and whether 60 days has elapsed since such request per Pr.C. § 17200(b)(7)? File verified supplement. **Supp.: First and Current**

Accounting by acting successor trustee filed 02-17-09. See next matter

2. Cameron A. Santa Cruz was personally served on 10/23/08
3. **Responsive pleading filed by successor trustee, Cameron A. Santa Cruz.**

RECOMMENDATION:

Set matter for contested hearing.

(GLS/NMT/vet/cbr/gls/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800927**

CASE NAME: THE SANTA CRUZ FAMILY TRUST
SEE ALSO 18

HEARING:

FIRST Account and Report of CAMERON A. SANTA CRUZ and Petition
for allowance of fees filed.

COUNSEL:

JOSEPH SANTA CRUZ (PET)...PAUL N GATREAU
CAMERON A. SANTA CRUZ (PET) (RES)...PRO/PER
RANDALL R SANTA CRUZ (PAUL N GAUTREAU)...PAUL N GA

GENERAL INFORMATION:

Continued from 05/12/09, 8/18/09, 10/1/09 and 12/17/09 at request of counsel to brief
issue re: arbitration.

Continued from 02-23-10.

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting covers period: 05-12-05 to 02-13-09.
2. Assets on hand: \$3,500.00 (cash and personal property)
3. In 1995, Alfred and Norma Santa Cruz established a trust which became irrevocable upon the death of the 1st settlor, Alfred A. Santa Cruz, on 08-22-03. Petitioner, Cameron Santa Cruz, is the acting successor trustee and a beneficiary of the Trust.
4. Article 2.4(a) of the Trust provides that on the death of a Trustor, the Trustor Lifetime Trust shall continue until all property is distributed to the other sub-trusts established by this Trust. Question if separate trust was designated and funded? Need verified supplement describing allocation and/or non-funding of assets. If not allocated, need clarification of circumstances that warranted the delay. **Supp: The respondent did not create sub-trusts as required.**
5. Article 2.5(a) of the Trust provides that upon the death of the surviving spouse, the trustee shall divide the property into a sub-trust in accordance with paragraphs 2.5

of trust designated as the Primary Beneficiary Trust. Norma J. Santa Cruz became deceased on 05-12-05. Question if separate trust(s) were designated and funded? Need verified supplement describing allocation and/or non-funding of assets. If not allocated, need clarification of circumstances that warranted the delay. **Supp: The respondent did not create sub-trusts as required.**

6. Article 5.5 of the Trust provides that any dispute arising in connection with this Trust, including disputes between Trustee and any beneficiary or among co-trustees, shall be settled by arbitration in accordance with the rules of the American Arbitration Association and that any decision by arbitration shall be binding upon the parties as if the decision had been rendered by a court having proper jurisdiction. Question what efforts have been made to settle disputes via arbitration? **Supp: No attempts have been made to settle this dispute via arbitration.**
5. Article 8.2 of the Trust provides that Trustee shall render an annual accounting of income and principal to the person(s) to whom the income of the Trust is required to be distributed, or to the guardian(s) of such person(s). Question if prior accountings have been presented for this or any other sub-trust(s)? **Supp: No prior accountings have been prepared.**
6. If Court finds that arbitration is not required; the following are issues re: accounting, which requires verified supplement clarifying and/or itemization, including:
 - a. Summary of account is set forth. However, it appears the accounting is out of balance by \$4,600.78. Need clarification and/or explanation as to efforts to balance the accounting.
 - b. Trustee identifies "coins" in the amount of \$1,100.00. Question if these are collectibles that will require an appraisal by an "independent expert," per Pr. C. § 8904, or whether this value is from an independent appraisal? **Supp: Coins were appraised by respondent using a coin appraisal manual in order to reduce costs.**
 - c. Trust Receipts – Schedule "C":
 - i. Unidentified deposit in the amount of \$20,456.89;
 - ii. Fraud check reversed in the amount of \$138.50 from HGC Properties;
 - iii. Unidentified deposit in the amount of \$14.77;
 - iv. Return of retainer in the amount of \$3,500.00 from Carter & Assoc.;
 - v. Receipt in the amount of \$60.00, identified as Carmen Santa Cruz from Cal Poly Pomona;
 - vi. Deposit to zero account in the amount of \$10,753.26. Question the purpose of this receipt?
 - d. Disbursements – Schedule "D":
 - i. Multiple disbursements totaling \$174,585.00 to Joe Santa Cruz;
 - ii. Multiple disbursements totaling \$162,736.03 to Randy Santa Cruz;
 - iii. Multiple disbursements totaling \$202,394.51 to Cameron Santa Cruz. Need itemization for items reimbursed;
 - e. Reimbursement on 05-16-05 for \$4,282.72 to Carmen Santa Cruz. Need itemization for items reimbursed;
 - v. Total disbursements of \$7,624.15 for repairs and restoration;

- vi. \$ 5,101.08 for Federal Income Taxes. Question what years were paid?
- vii. \$ 2,134.20 in dues/subscriptions.
- viii. \$ 2,234.82 to Franchise Tax Board. Question what years were paid?
- ix. \$ 1,347.50 to unknown/unidentified sources;
- x. \$ 6,600.00 in attorney fees;
- xi. \$ 24,565.28 in fraudulent checks/charges;
- xii. \$ 1,334.00 to Civil Service Retirement;
- xiii. \$ 141.00 in groceries;
- xiv. \$ 658.81 for L.A. Property Taxes;
- xv. \$ 3,300.00 for Accountings;
- xvi. \$ 199.00 to Lana Grizell;
- xviii. \$ 196.85 as miscellaneous;
- xix. \$ 130.68 as incidentals;
- xx. \$ 127.00 to City of Azusa;
- xxi. \$ 67.11 to Conseco Annuities;
- xxii. \$ 50.00 to Charity;
- xxiii. \$ 40.00 in gasoline.

7. Petitioner sold "REIT" for \$2,206.85. This asset is not shown on beginning assets. Question when asset was obtained. Need verified supplement.
8. Petitioner provided a list of liabilities on trustor's death. Question if any creditors were actually paid? If so, by whom, what was the amount of the claim, what was paid on the claim? Need verified supplement.
9. On disbursements, there are various "bank service," "Overdraft" and "NSF" charges in the account totaling \$303.00 for fees. Question why there were service charges in light of the value of the trust estate? Need verified supplement.
10. Trustee alleges that on 11-28-08, \$24,426.78 was withdrawn from the Bank of America Account without the trustee's knowledge or consent, resulting in B of A currently investigating the withdrawal. Petitioner alleges the withdrawal resulted in a negative balance of \$10,753.26. Question the efforts in retrieving this allegedly unauthorized withdrawal and the status of B of A's investigation. **Supp: Respondent has been unsuccessful in resolving this fraudulent withdrawal. The sum of \$10,753.26 was deposited into the account, leaving a deficit of \$13,673.52 which respondent will be responsible for repaying to the trust.**
11. Trustee alleges that during the period covered by this account and report, Trustee made disbursements of \$30,481.30 out of his personal funds (Schedule E) and will seek credit for this amount in his final accounting. There are insufficient assets to pay requested fees and reimbursements. How does petitioner anticipate paying the amounts owed? Need clarification and/or itemization via verified supplement for disbursements listed in Schedule E.
12. Trustee alleges that during the period covered by this account and report, losses in the amount of \$38,550.46 are attributable to the sale of trust assets (including costs associated with selling real property). Escrow breakdown provided; however, need copy of escrow closing statement per Local Rule 20-910.

13. Trustee alleges receipt of \$5,000 as compensation for services rendered as trustee, as per Section 7.5 of the trust. Further, trustee references a notarized Directive to Successor Trustee which is not attached to the trust. Need to provide copy of directive and itemization of services. **Copy of directive submitted.**
14. During accounting period, petitioner has made payments to “probation department” and describes entry as “Joe distribution.” Question whether notice should also be given to Director of Victim Compensation and Government Claims Board per Pr. C. §216?
15. Various distributions were made to remaindermen beneficiaries. It cannot be determined if distributions are equal. **Supp: Summary of distributions is filed showing that Cameron Cruz was overpaid by \$27,096.05 and Joseph Cruz and Randall Cruz each were underpaid.**
16. **Objection to First Account filed by Randall R. Santa Cruz.**
17. **Objection to First Account filed by Joseph S. Santa Cruz.**

RECOMMENDATION:

Need to clear notes, then set for contested hearing.

(vet/cbr/gls/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900073**

CASE NAME: BEATRICE T. SCHAFF

HEARING:
Accounting Review

COUNSEL:

KENNETH F JENKINS	(PET)...	HEALEY & HEALEY
BEATRICE T SCHAFF	(DEC)...	
AMERICAN RED CROSS	(TP)...	HOLLAND & KNIGHT, LLP
CAROL OLSON	(RANDAL P HANNAH)...RANDAL P
KATHERINE PARRETT	(RANDAL P HANNAH)...RANDAL P

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 4-27-09, \$40,000 bond.
2. Objections filed by Carol Olson and Katherine Parrett on 04-19-10. However, some of the objections were resolved. Court deemed the accounting on file as the 1st Account Current and remaining objections to be handled with the 2nd Accounting per minute order dated 04-20-10.
3. No 2nd accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. Clerk to notice bond company.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900259**

CASE NAME: MTR OF REGIS RAMIREZ JR

HEARING:

WAIVER OF Account and Report of ADRIANA RAMIREZ and Petition for allowance of fees filed.

COUNSEL:

ADRIANA RAMIREZ (PET)...CALDWELL, KENNEDY & PORTER, A.
REGIS RAMIREZ JR (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Heirs waive accounting.
2. Petitioner waives statutory compensation.
3. Petitioner requests reimbursement of costs of \$53,094.09. Itemized. However, need further clarification via verified supplement as to the following:
 - a. State Farm insurance for Texas property totaling \$207.00;
 - b. DMV disbursements totaling 280.00.
4. Decedent's mother and sole heir, Blanca Ramirez, assigns one-half of her interest in decedent's estate, to Adriana Ramirez. Need written assignment from Blanca Ramirez for assignment to be valid.
5. Attorney requests statutory fees of \$12,499.06. Calculated.
6. Petitioner requests authority to withhold \$51,000 as a reserve for closing costs and tax liabilities. Question the purpose for such a high reserve and whether this estate is ready to close? Need verified supplement.
7. Need Notice of Hearing with proof of service.

RECOMMENDATION

Need to clear notes. If approved set hearing for filing of receipts and final discharge for **06/14/11**.

(vet)

Superior Court of Calif, County of San Bernardino
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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900415**

CASE NAME: NORMA HOPE ROBERTSON

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary w/Full Authority Under IAEA..

COUNSEL:

DORIS A. ROBERTSON (PET)...HORSPOOL & PARKER

NORMA HOPE ROBERTSON (DEC)...

SABINE ROBERTSON-PHILLIPS (SA)...HORSPOOL & PARKER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Successor Letters of Administration with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Prior executor, Doris A. Robertson, died on 12-07-09. As a result of her death, petitioner maintains it is necessary for the next named alternate executor to petition the court for administration of the estate.
2. Will waives bond.
3. Need page 1 to Decedent's pour-over will.
4. Article Four of Decedent's pour-over will names petitioner and John H. Robertson as co-executors. Need Declination to Act filed by John H. Robertson.

RECOMMENDATION:

RFA subject to notes 3 & 4, no bond. If approved, set future hearing for Accounting/Status Review on **08-16-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet)

FUTURE HEARINGS:

10/04/10 Accounting Review as to Doris A. Robertson (deceased).

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900829**

CASE NAME: MTR OF WILLIAM A KEIR

HEARING:

REP. OF ADMIN, PTN FOR FINAL, WAIVER OF Account and Report of
WILLIAM H NEWELL and Petition for allowance of fees filed.

COUNSEL:

WILLIAM H NEWELL (PET)...IGNAZIO FICARA
WILLIAM A KEIR (DEC)...
DEPARTMENT OF HEALTH CARE SERV(TP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of
account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole heir waives accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$6,278.65. Calculated.
4. Need Notice of Hearing with proof of service.

RECOMMENDATION

RFA, subject to note 4. If approved, set hearing for filing of receipts and final discharge
for **06-14-11**.

(vet)

CIVPRO Rancho Cucamonga District
 Rancho District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **RPR RS00772**

CASE NAME: ESTATE OF JOSEPH KALOUS

HEARING:

Petition for REVOCATION OF PURPORTED WILL, TO SET ASIDE JUDGMENT, TO IMPOSE A CONSTRUCTIVE TRUST ETC

	COUNSEL:
EDWARD	(PET)...BANKS GARCIA & JANIS
JOSEPH KALOUS	(RES)...
JAMES KALOUS	(PET)...JOHN J STIFTER
JANICE GUIDI	(PET)...JOHN J STIFTER
JOSEPH KALOUS	(DEC)...

GENERAL INFORMATION:

Continued from 04-27-10. Matter reassigned to Judge Welch for all purposes. Counsel for Edward Hess will be filing a response. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Revocation of Purported Will, to Set Aside Judgment, to Impose a Constructive Trust and to Surcharge Executor.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need Notice of Hearing with proof of service.
2. On 08-16-96, an order of the Court was made in this case admitting to probate the document dated 07-29-86, purporting to be the Decedent's Last Will. A Decree of Distribution upon Waiver of Accounting was entered on 01-16-98, distributing the entire estate to Edward Alan Hess (Respondent).
3. Petitioners maintain they are heirs of equal degree with Edward Alan Hess as they are children of the Decedent's pre-deceased brother, Anthony Kalous. Petitioners assert that Respondent listed himself as the sole heir and allege that he did not list petitioners as heirs of law of the Decedent because he knew they would contest the purported Will of the Decedent and Respondent wanted to inherit Decedent's entire estate.

4. Petitioners assert that Respondent had previously listed Petitioners as heirs at law of his aunt in an Affidavit of Heirship in another matter (Exhibit A), was fully aware of their existence and status as heirs of law of the Decedent. Attached as Exhibit B, is a Declaration by Curtis Baggett, an expert document examiner, opining that the purported signature and initials of the Decedent on the Will offered for probate by Respondent are a forgery. Petitioners include the Declaration of Martha Hovoraka (Exhibit C), a retired Illinois attorney and purported subscribing witness. The declaration asserts the signature upon said document is not her signature, that she did not sign the purported or any will of the Decedent nor has she ever witnessed Decedent sign a will.
5. Petitioners declare that through no fault of their own, the time to file a Motion for Relief under C.C.P. § 473 has expired, as has the time for filing an appeal or similar action due their just becoming aware of the judgment and order in this matter and request this action to be heard on its own merits.
6. Petitioners request an order that the decree of distribution on waiver of accounting entered in this action be vacated and set aside, be deemed null and void and that the purported will admitted to probate in this matter be revoked.
7. Petitioners believe and allege that due to fraudulent acts, Respondent holds two-thirds of the property of Decedent at the total appraised value of \$830,216.25 as a constructive trustee for Petitioners benefit and request that such property be ordered and conveyed to Petitioners, that an accounting be rendered of such property and that damages be assessed against Respondent for such fraudulent acts as shown according to proof.
8. Petitioners further request that Respondent be surcharged, with interest, for any profits made by him through his improper actions, for any losses, damages and/or costs sustained by his acts be incurred against Respondent's remaining interest in Decedent's estate, according to proof shown at the time of trial.

RECOMMENDATION:

Require notice then set for evidentiary hearing.

(vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **RPR RS02547**

CASE NAME: LOIS VIRGINIA HUGHES

HEARING:
Accounting Review

COUNSEL:
JAMES R HUGHES (PET)...ALLAR, SHELTON & O'CONNOR
LOIS VIRGINIA HUGHES (DEC)...

GENERAL INFORMATION:

Continued many times since 12/6/05 and last from 4/8/08 at request of counsel.
Continued from 6/10/08. Continued at request of counsel.
Continued from 9/16/08, 01/13/09, 4/21/09 and 07/14/09. Attorney Althouse stated he is trying to work with Attorney Walker re accounting.
Continued from 09/08/09.
Continued from 10-27-09 at request of Attorney Walker. Accounting to be filed by 12/1/09
Continued from 12/1/09. Attorney Walker was ordered to file an accounting.
Continued from 12-09-09. Parties confer on the record.
Continued from 02-09-10 at request of Attorney Walker who needs to reconstruct accounting information.
Continued from 03-23-10 and 05-04-10.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter was set for hearing on 5-9-06 for accounting review. No accounting was filed and no one appeared. The court then set the matter for O.S.C. re failure to file accounting, issued citations and had them personally served. Despite being personally served Mr. Hughes failed to appear at the time set for hearing. Attorney Walker did appear on 8-1-06. To date no accounting or status report has been filed. The accounting is now overdue by 3 ½ years.
2. The court has expended \$60 in service fees.

3. Status report and/or accounting are now more than three years overdue. Per Declaration of Atty Walker filed 2/14/06 (tabbed in file), he alleged that he was working with the personal representative on the final accounting.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. There is no bonding company to notice.

(/kra/nmt/gls/nmt/cbr/hte/cbr/vet/kra/vet/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **RPR RS02669**

CASE NAME: LEO ROGERS CARROLL

HEARING:
Accounting Review

COUNSEL:
JANE BAUER (PET)...SUZANNE M GRAVES
LEO ROGERS CARROLL (DEC)...
BOND SERVICES OF CALIFORNIA (TP)...PRO/PER

GENERAL INFORMATION:

Continued from 11/10/09, 01-05-10 and 04-06-10 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 09/27/05, full authority \$213,000 bond.
2. Last status report approved on 11/04/08. **Status report (not filed) is attached to conformed copy of Notice of Hearing dated 11-25-09. However, attached status report is not signed or verified. Need same.**
3. Administrator's Report of Status of the Estate filed indicating the estate is not in a condition to be closed as the real property has not been sold. However, petitioner alleges the real property is in the name of the Leo Rogers Carroll Trust (tabbed). Question why the probate estate cannot be closed as the real property is not an asset of the probate estate? Need verified supplement.
4. Petitioner requests an additional 90 days to close the estate.

RECOMMENDATION

Need to clear notes 2 & 3. If approved, court to set hearing re accounting review for **08-16-11.**

(cbr/abs/kra/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **RPR RS02862**

CASE NAME: ***MASTER FILE RPR 02862 DENNY J GEORGE JR***

HEARING:
Hearing re Final Discharge

COUNSEL:
JULIE GEORGE (PET)...ROBERTA TAYLOR
DENNY J. GEORGE JR (DEC)...
PHYLLIS GEORGE (PET)(OBJ)...BANKS AND STRATHMAN

GENERAL INFORMATION:

Continued from 01-26-10. Counsel states no contact has been made with Phyllis George. Bench warrant remains active.

Continued from 04-08-10. Counsel informs the court that new address has been found for Phyllis George. Court requests that bench warrant be served at the new address.

THIS CASE IS SET FOR HEARING ON final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final accounting approved 01-20-09.
2. No receipts filed. Need same.
3. Need Ex-parte Petition/Order for Final Discharge.
4. NOTE: Bench warrant issued for Phyllis George at ORAP hearing on 05-05-09. Bail set at \$24,500.00. May not forfeit.
5. **Need return of citation re: civil bench warrant.**

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

(vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 9:00 DEPT: S33P

CASE#: **VPR VS002893**

CASE NAME: ESTATE OF ANN E LUNA

HEARING:

Hearing Re: STATUS OF APPEAL/CREDIT EXTENSION

COUNSEL:

REGINA M BADILLO	(PET)...CHARLES P BROWN
ANN ELOISA LUNA	(DEC)...
BARRY ESKIN	(PET)...PRO/PER
STEPHEN C LUNA	(PET)...GAINES LEGAL SERVICES, INC.
STEPHEN C LUNA	(OBJ)...CHARLES D RICHMOND ESQ
ALMA CARPENTER	(CHARLES P BROWN) CHARLES P
CHARLES P BROWN ESQ	()...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Status of Appeal/Credit Extension

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set at 3rd Account hearing held on 01-05-10, wherein, Court approved the 3rd Accounting. Court further ordered that issues regarding bank statements needed to be cleared per Local Rue 20-908. Need same.
2. Question if Administrator was able to obtain a loan by a deed of trust on the Sherbourne property?
3. Question status of appeal filed by Carpenter on 05-27-09?

RECOMMENDATION:

Court's discretion.

(vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 06/08/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000117**

CASE NAME: HEIDI LYNN SCHOFIELD

HEARING:
Petition for Appointment of Conservator

COUNSEL:
LINDA A. SCHOFIELD (PCR)...PRO/PER
HEIDI LYNN SCHOFIELD (PCE)...

NO FILE AVAILABLE FOR REVIEW.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/08/10 TIME: 10:30 DEPT: S33P

CASE#: **RC RS729**

CASE NAME: IN THE MTTR OF KENNETH LEE ANDERSON

HEARING:

Hearing Re: Status (Report by court appointed counsel)

COUNSEL:

RICHARD E HOLDAWAY	(PET)...	LEE BROWN
KENNETH LEE ANDERSON	(PCE)...	JAMES B CHURCH
RICHARD E HOLDAWAY	(CPE)...	LEE BROWN
KENNETH LEE ANDERSON	(CEP)...	

GENERAL INFORMATION:

Continued from **12/21/09** as Attorney Flory has been unable to contact his client. Attorney Brown to assist in contacting Kenneth Anderson.

Continued from 02-08-10.

THIS CASE IS SET FOR HEARING ON Status on report by court appointed counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set on 10/22/09 as Court approved the 7th accounting. Court appointed James Church for conservatee in order to address issues found in the Court Investigator report.
2. **Court to review Status Report filed 04-23-10.**

RECOMMENDATION:

Court's discretion.

(kra/vet)

FUTURE HEARING DATES:

9/22/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

MISC.

DATE: 06/08/10 TIME: 2:30 DEPT: S33P

CASE#: **SPR SS54557**

CASE NAME: IN THE ESTATE OF ANTONIO M ESPINOZA

HEARING:
Mandatory Settlement Conference

COUNSEL:
ANTONIO MASIAS ESPINOZA (DEC)...
MICHAEL ORTIZ (PET)...MARTIN E KELLER
RUTH ORTIZ (PET)...MARTIN E KELLER
DANIEL HERNANDEZ (OBJ)...JUDITH L. HUBERT
LYDIA VILLAFANA (JUDITH L HUBERT)...JUDITH L

No notes – MSC.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000132**

CASE NAME: ESTATE OF RAFAEL IZABAL

HEARING:

Petition for ORDER AUTHORIZING PARTICULAR TRANSACTION
INCREASING COMMUNITY SPOUSE ALLOWANCE

COUNSEL:

MARGO H. IZABAL (PET)...STAPLETON & STAPLETON
RAFAEL IZABAL (INC)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

Continued from 04-20-10. Court directs counsel to file supplement with details regarding annuity; credit card installment payments; and monthly needs of Rafael Izabel. Court appoints DonnaSue Smith-Ortiz as Guardian Ad Litem for Rafael Izabel (ill-spouse). Notice given by courtroom clerk. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Order Authorizing Particular Transactions and Increasing the Community Spouse Resource Allowance

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is the 70 year old wife who lives in family residence. Respondent husband ill-spouse is 73 and resides in skilled nursing facility. Petitioner and spouse have been married 46 years.
2. The proposed transactions of this petition are (a) to transmute all of the described non-exempt community property into the separate property of the petitioner; (b) to transmute the exempt community property residence into the separate property of petitioner; (c) to order support for petitioner and (d) to increase her spousal monthly maintenance needs allowance from the statutory sum of \$2,739 to \$7,739.12.
3. Petitioner alleges that the fixed income of both spouses totals \$6,602.15 monthly (itemized) that her total average monthly expenses are \$7,739.12 monthly (itemized) which will permit her to pay for her monthly expenses and to pay for amounts needed to replenish annuity principle.
4. Petitioner notes that the Medi-Cal rules allow for the protection from health care costs of up to \$109,560 (in 2009) of a married couple's resources.

Under current Medi-Cal regulations because husband ill-spouse is totally disabled and resides in a skilled nursing facility, he will qualify for long term care benefits so long as the family's assets meet the asset test. Petitioner states that Medi-Cal allows the community spouse a Community Spouse Resource Allowance (CSRA) of assets in the amount of \$109,560 (for 2009) or a greater amount if ordered by the Court. Petitioner alleges that transfer and transmutation of assets in an amount greater than \$109,560 is required if husband ill-spouse is to receive necessary care in a nursing facility. Petitioner requests that she be allowed to allocate assets greater than the amount of \$109,560 into her own name, as her separate property, in order to comply with Medi-Cal regulations and also to effectively manage the assets for the best interests of both spouses. JTD.

5. Petitioner states that Medi-Cal allows the amount of \$2,739 per month as a Minimum Monthly Maintenance Needs Allowance (MMMNA). If the Court allows petitioner to retain the CSRA assets in the greater amount of \$643,157.02, the income generated from the assets in the amount of \$3,901.10 per month, would increase petitioner's monthly income from \$2,701.05 to \$6,602.15.
If petitioner is forced to deplete her savings to meet the asset level of \$109,560, the petitioner's needs, obligations and expenses will not be met. JTD.
6. Petitioner requests determination that petitioner and ill spouse are husband and wife, and all property is community property of spouses or is separate property for which there is good cause to include that property as they have been married for 46 years and neither had any substantial assets before marriage. JTD.
7. Petitioner requests determination that ill spouse lacks capacity and that Court dispense with requirement that ill spouse personally attend the hearing on the petition. Medical Capacity Declaration filed.
8. Court has discretion to appoint counsel for purported ill spouse. JTD.
9. Petitioner requests determination that respondent is not a patient in nor on leave of absence from a state institution under the jurisdiction of the State Dept of Mental Health or the State Dept of Developmental Services. JTD.
10. Petitioner requests a finding that petitioner has legal capacity for the proposed transaction. JTD.
11. Petitioner requests determination that petitioner joins in and consents to the proposed transaction, and ill spouse is substantially unable to manage his own financial affairs or resist fraud or undue influence. JTD.
12. Petitioner requests determination that the proposed transaction is one that is authorized under the law governing proceedings for a particular transaction, commencing with Pr. C. §3100. JTD.
13. Petitioner requests determination that the assets shown on the petition, together with accrued interest and dividends thereon should be transferred and transmuted to petitioner as petitioner's separate property and respondent's name be removed from title to all assets. Petitioner requests determination that the value of the property, plus interest and dividends

thereon, set forth as “non exempt” be determined to be petitioner’s protected CSRA under Medi-Cal’s spousal protection rules for all months to the date ill spouse’s eligibility for Medi-Cal is established and the order be entered against ill spouse in favor of petitioner. JTD.

14. Petitioner requests authorization to execute any and all legal documents on behalf of ill spouse necessary to effectuate the order.
15. Petitioner alleges that there is good cause for bond be dispensed with. JTD.
16. Need proof of personal service of citation on Rafael Izabel.
17. **Need supplement as directed by Court on 04-20-10.**

RECOMMENDATION:

Need to clear notes, then Court’s discretion.

(vet/abs/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000194**

CASE NAME: WALTER EARL GREENWOOD

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

MARLA L GREENWOOD (PET)...GREGORY A. PAIVA & ASSOCIATES
WALTER EARL GREENWOOD (DEC)...

GENERAL INFORMATION:

Continued from 04-27-10 at request of counsel to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need Notice of Petition to Administer Estate and proof of service.
2. Need proof of publication.
3. All heirs waive bond.
4. NOTE: Outdated forms used. When Judicial Council has adopted mandatory forms, that form must be used. CRC, Rule 7.101.

RECOMMENDATION:

RFA subject to notes 1 & 2, no bond. If approved, set future hearing for Accounting/Status Review on **08/16/11** any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000332**

CASE NAME: MICHAEL JAMES EVERETT

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

DONNA SOTO (PET)...D M DAVIS
MICHAEL JAMES EVERETT (DEC)...

NO FILE AVAILABLE FOR REVIEW.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000336**

CASE NAME: MTR OF JOHN MICHAEL SHAY

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JOHN M SHAY JR (PET)...ALICE B MARSHALL
JOHN MICHAEL SHAY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need Notice of Petition to Administer Estate and proof of service.
2. Need proof of publication.
3. All heirs waive bond.

RECOMMENDATION:

RFA, subject to 1-2, no bond. If approved, set future hearing for Accounting/Status Review on **08-16-11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000338**

CASE NAME: MAURINE LOUISE FORD

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary w/full Authority Under IAEA..

COUNSEL:

MARIA BURNS (PET)...CHRISTINA FERRANTE
MAURINE LOUISE FORD (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner submits a type-written document dated 05-11-07 purportedly signed by decedent. It would appear to be Decedent's purported Will dated 05-11-07. However, the 05-11-07 document is not witnessed and thus, does not meet the requirements of Pr.C. §6110. Question the validity of the 05-11-07 document? File verified supplement with points and authorities to prove the 05-11-07 document is a valid testamentary document.
2. Section 3(f)2 of the petition regarding appointment of administrator is incorrect. Need correction of same.
3. Section 5(a) to petition regarding who Decedent was survived by is incomplete. Need correction of same.
4. Section 8 of the petition is incomplete as Curtis Conway is not listed. Need verified supplement.
5. Need proof of publication.
6. Will waives bond.
7. Need Notice of Petition to Administer Estate and proof of service.

RECOMMENDATION:

Need to clear notes, no bond. If approved, set future hearing for Accounting/Status Review on **08/16/11**. Any accounting to be filed 30 days in advance. Note requirements of Local Rule 20-908.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0600206**

CASE NAME: MTR OF ELAINE O WELCH

HEARING:

FIRST AND FINAL Account and Report of RITA CONTRERAS and
Petition for allowance of fees filed.

COUNSEL:

RITA CONTRERAS	(PET)...	BETTY AUTON-BECK
ELAINE O WELCH	(DEC)...	
YOLANDA ORTIZ	(PET)...	BETTY AUTON-BECK

NO FILE AVAILABLE FOR REVIEW.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0600252**

CASE NAME: MTR OF DOROTHY M JONES

HEARING:

Hearing re Final Discharge

COUNSEL:

CATRINA PEZANT (PET)...CLARK LORD & SWANSON

DOROTHY M JONES (DEC)...

PATRICK B WRIGHT (TP)...PRO/PER

GENERAL INFORMATION:

Continued from 03-16-10. Counsel unable to file receipts - client not cooperating and he has been unable to locate valid addresses for other heirs to mail distribution checks. Counsel may file petition to deposit unclaimed checks with County Treasurer. Counsel to notify client that she is ordered to appear in court at this hearing and provide receipts or court will issue citation. Notice to be given by Attorney Swanson.

Continued from 05-04-10 on court's motion.

THIS CASE IS SET FOR HEARING ON final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final accounting approved 03-10-09.
2. Receipts for ordered distribution on the sale of the decedent's house from all parties specified in will provided. However, counsel indicates accrued interest payments to 1 of the heirs (Craig Lewis) has not been returned and presumed delivered, while letters w/payments to 1 of the heirs (Joseph R. Jones) has been returned. **Supp: Receipts filed on behalf of two heirs. Does Court wish to waive the remaining 2 receipts? JTD.**
3. Receipts for expenses of closing the estate totaling \$23,919.03 have not been submitted. Need same.
4. Need Ex-parte Petition/Order for Final Discharge.

RECOMMENDATION:

Need to clear notes. When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

(vet/vet/abs/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700840**

CASE NAME: JUANITA ANN SECHRIST

SEE ALSO 9 9A

HEARING:

Hearing Re: OSC RE: SANCTIONS & OSC RE: REMOVAL

COUNSEL:

DAVID K FUNKHOUSER (PET)...MCCLELLAN & WILSON

JUANITA ANN SECHRIST (DEC)...

DEPT OF HEALTH CARE SERVICES (TP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON OSC re Sanctions and Removal of Administrator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set at accounting review hearing held on 04-28-10. Counsel reported no change in status – there is still a Medi-Cal Lien of over \$39,000. Court referred matter to the Public Administrator for possible appointment.
2. Letters of Administration issued on 10/15/07, no bond.
3. Final I & A filed on 11/20/07.
4. Need accounting or updated status report.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700840**

CASE NAME: JUANITA ANN SECHRIST

SEE ALSO 8 9A

HEARING:
Accounting Review

COUNSEL:
DAVID K FUNKHOUSER (PET)...MCCLELLAN & WILSON
JUANITA ANN SECHRIST (DEC)...
DEPT OF HEALTH CARE SERVICES (TP)...

See prior matter # 8.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700840**

CASE NAME: JUANITA ANN SECHRIST

SEE ALSO 8, 9

HEARING: Motion Re: NOTICE OF MOTION AND MOTION TO BE RELIVED AS
COUNSEL Filed by Petitioner DAVID K FUNKH

COUNSEL:

DAVID K FUNKHOUSER (PET)...MCCLELLAN & WILSON
JUANITA ANN SECHRIST (DEC)...
DEPT OF HEALTH CARE SERVICES (TP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Motion to be Relieved as Counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney D. Hershel Wilson moves this Court for an order permitting him to be relieved as attorney of record in this action. Counsel declares that the only asset of the estate is the residence which the personal representative resides in. Counsel maintains there is a Medi-Cal lien against the estate in the amount of \$39,000 and that the representative does not qualify to have the lien dismissed. Counsel indicates that the Department of Health has agreed to accept monthly payments on the lien and that counsel has agreed to allow his attorney's fees to be affixed as a lien against the property.
2. Counsel maintains that the Final Report has been prepared and submitted to his client numerous times for review and signature, to no avail, and that letters requesting client to contact his office have not resulted in any phone calls. Counsel declares he cannot continue to serve in this matter without client cooperation.
3. Need proof of service.

RECOMMENDATION:

Require proof of service and then Court's discretion.
(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0800396**

CASE NAME: SIMON LAVARES NOEL

HEARING:

Probate status report filed.

COUNSEL:

JOSEFA MILLER (PET)...SCOT THOMAS MOGA
SIMON LAVARES NOEL (DEC)...
BOND SERVICES OF CALIFORNIA (TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate is not in a condition to close due to the need to sell real property.
2. Petitioner requests an additional 90 days to close the estate.
3. File notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting, notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory.**

RECOMMENDATION:

RFA subject to note 3. Set hearing for the next status report and/or account for **08-16-11**. Any accounting to be filed 30 days in advance.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0800680**

CASE NAME: DONALD TOOMAN

HEARING:

WAIVER Account and Report of LESLIE E. TOOMAN and Petition for allowance of fees filed.

COUNSEL:

LESLIE E. TOOMAN (PET)...CALDWELL, KENNEDY & PORTER, A.
DONALD TOOMAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive accounting.
2. Petitioner waives statutory compensation.
3. Petitioner requests reimbursement of costs totaling \$28,945.94. Itemized.
4. Total statutory fees total \$10,942.77. However, statutory fees are to be apportioned as follows: \$3,282.93 to the Law Offices of Ripley & Associates for their previous services to the estate and \$7,659.94 to petitioner's attorney, Jeanne E. Kennedy of Caldwell, Kennedy & Porter. Calculated.
5. Need Notice of Hearing with proof of service.

RECOMMENDATION

RFA, subject to note 5. If approved, set hearing re filing of receipts and final discharge for **06-14-11**.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900692**

CASE NAME: THE RUSH TRUST AGREEMENT UTD 9/25/07

HEARING:
Hearing Re: REVIEW OF STAY

COUNSEL:
MICHAEL RUSH (PET)...JOSEPHINE A. RICH
THE RUSH TRUST AGREEMENT UTD 9(TRU)...

GENERAL INFORMATION:

Continued from 04-20-10. Oral report given by counsel indicating that parties have received a good offer on the house and it is in escrow. Attorneys working towards settling issues.

THIS CASE IS SET FOR HEARING ON Order Staying Sale of Real Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court finds that a stay of sale at 12040 2nd Street, Yucaipa, CA is necessary pending the submission of a reappraisal for sale at ex parte hearing held 02-23-10. Court ordered that the sale by Trustee, Eric Rush is stayed forthwith pending the submission of a reappraisal for sale and that Eric Rush shall produce all sale and escrow documents with regards to the purchase of 12040 2nd Street, 30 days prior to the close of escrow. Eric Rush further ordered to produce all documentation showing that the loans to him from the Settlor and/or his deceased wife Patricia Ann Rush have either been paid or exonerated.
2. Counsel indicates that Attorney Michael Young attempted to file a Motion to Be Relieved as counsel for Eric Rush but clerk's office rejected the motion as he had not filed any moving papers. Eric Rush has listed house for sale below market price. Amended Ex Parte order signed 02-25-10.

RECOMMENDATION:
Court's discretion.
(vet/vet)

CIVPRO Rancho Cucamonga District
 Rancho District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **RG RS01896**

CASE NAME: FERNANDO, MARIAH AND NATHAN RODRIGUEZ(MASTER)

HEARING:

Hearing Re: OSC RE: SURCHARGE

COUNSEL:

ROBERT WAGGONER (PET)...MITCHELL I ROTH
NORMA WAGGONER (PET)...MITCHELL I ROTH
FERNANDO MICHAEL RODRIGUEZ (MIN)...PRO/PER
MARIAH TAYLOR RODRIGUEZ (MIN)...LINDA J GLADSON
NATHAN MARIS RODRIGUEZ (MIN)...CHRISTINA FERRANTE
DEPARTMENT OF CHILDRENS SERVIC(AGN)...
ANDREA & FERNANDO RODRIGUEZ (PET)...R. CASEY HULL
MARIA POLANCO (PET)...LAW OFFICES OF CHO & DE LA CER
RUBEN POLANCO (PET)...LAW OFFICES OF CHO & DE LA CER
RICHARD REYES (PET)...PRO/PER
YVONNE REYES (PET)...PRO/PER

MARIAH TAYLOR RODRIGUEZ (PLA)...LAYNE A BARTHOLOMEW
NATHAN MARIS RODRIGUEZ (PLA)...LAYNE A BARTHOLOMEW
MARIAH T. RODRIGUEZ (MIN)...LAYNE A BARTHOLOMEW
NATHAN M. RODRIGUEZ (MIN)...LAYNE A BARTHOLOMEW
MARIAH RODRIGUEZ (PLA)...SISSIE L. BARKER
NATHAN RODRIGUEZ (PLA)...SISSIE L. BARKER
FERNANDO RODRIGUEZ (PET)...R. CASEY HULL
ANDREA RODRIGUEZ (PET)...R. CASEY HULL
FERNANDO MICHAEL RODRIGUEZ III(MIN)...CHRISTINA FERRANTE
RICHARD REYES (TP)...PRO/PER
YVONNE REYES (PRO/PER)...PRO/PER

X REFERENCE PRO 0600316 RPR03059 RCV & FWV

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON OSC re Surcharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set at first and final accounting hearing held on 03-22-10 as to why Richard Reyes and Yvonne Reyes should not be surcharged in the amount of \$291,203.13, plus an additional \$5,006.51, with interest at the legal rate from 06-11-08 through date of surcharge and proceeding forward. Attorney Ferrante to serve Richard and Yvonne Reyes in State Prison and serve their criminal attorneys. If the Reyes' wish to attend the hearing, they are to make arrangements themselves.
2. Notice to be given by Attorney Ferrante. Need same.

RECOMMENDATION:

Require notice, then Court's discretion.

(vet)

FUTURE HEARINGS:

07/06/10 1ST Accounting

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **RPR RS03072**

CASE NAME: JUANITA REBER

SEE ALSO 15

HEARING:
Hearing Re: OSC RE: SANCTIONS

COUNSEL:
ROBERT CLEVINGER (PET)...LOFTY MRICH
JUANITA REBER (DEC)...

GENERAL INFORMATION:

Court informed Attorney Mrich that court will consider imposing sanctions of up to \$1,000 for numerous failures to appear, failure to file accounting and to cover the costs of citation service. Citations issued to Loftly Mrich and Robert Clevenger. Notice given by clerk.

Continued from 10/07/09. Bench warrant was issued when attorney Mrich did not appear at 9:00 a.m., but was quashed later that morning when matter was recalled and attorney Mrich was present. Attorney Mrich was ordered to appear on 12/9/09, for Judge Ludvigsen to consider issue of sanctions.

Continued from 12-09-09. Sanctions of \$1,000 against Attorney Mrich if accounting is not filed and timely served.

Continued from 02-09-10. Court finds what was filed as first and final accounting (12-24-09) does not constitute an accounting; that counsel is to file a proper accounting including schedules; and that OSC re: Sanctions hearing is continued; that counsel will not avoid sanctions of \$1,000 by filing defective accounting.

Continued from 03-16-10. Amended first and final account and report of attorney filed this date.

Continued from 04-20-10.

THIS CASE IS SET FOR HEARING ON OSC re: Sanctions

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set at 08-05-09 accounting review hearing after numerous continuances for failure to appear and failure to file accounting.

2. After due search, careful inquiry and diligent attempts at the dwelling house or usual place of abode and/or business, service as to Robert Clevenger, was unsuccessful per proof of service received 08-27-09. Reason for unsuccessful service on Robert Clevenger was no unit number given for the street address. Original petition indicates Mr. Clevenger's unit number is #UU-2.

RECOMMENDATION:

Court's discretion.

(vet/smj/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **RPR RS03072**

CASE NAME: JUANITA REBER

SEE ALSO 14

HEARING:

FIRST AND FINAL Account and Report of ROBERT CLEVINGER and
Petition for allowance of fees filed.

COUNSEL:

ROBERT CLEVINGER (PET)...LOFTY MRICH
JUANITA REBER (DEC)...

GENERAL INFORMATION:

Continued from 02-09-10. Court does not accept first and final accounting filed by counsel (on 12-24-09) as a proper accounting, but something filed to avoid sanctions of \$1,000. Counsel ordered to file proper accounting with schedules.

Continued from 03-16-10 on Court's motion and directs that Mr. Mrich check the probate notes in advance of this hearing to determine status of his account and report. Amended first and final account of attorney, declaration of Monica Sanchez filed this date. Mr. Mrich indicates he does not know the whereabouts of his client nor has the PA been able to locate him. Mr. Mrich represents that his client is the sole heir and that there are no creditor's claims or other creditors.

Continued from 04-20-10. Counsel indicates he still is unable to personally or otherwise contact his client. Counsel states that his client's residence on Palmetto in Ontario has been abandoned.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued on 04-10-07, no bond.
2. Zero assets on hand.
3. Counsel waives compensation.
4. Beginning and ending dates for accounting periods are not identified. File verified supplement.

5. Final (corrected) Inventory and Appraisal filed 06-17-08 reflects a balance of \$328,224.18. However, Citigroup account statement ending 08-31-06 (page 1 of 6 [missing pages 2-5] – pink tab) indicates a balance of \$318,254.59. Need corrected Inventory and Appraisal.
6. Need supporting schedules per Pr. C. § 1060 et seq., including Schedule “B” – Change of Assets. **Supp: Schedule consists only of a combined “Summary of Cash Receipts & Disbursements” page. Need further clarification via verified supplement as to the following:**
 - a. **Beginning balance of \$328,224.18 is not reflected. Need to reconcile summary of account and schedule(s);**
 - b. **Petitioner alleges there are no assets remaining in the estate due to funds being withdrawn and account being closed. However, no distribution of cash, showing the date and the amount of each, with the distribution of property shown at its carry value is reflected in the accounting. Need same.**
7. Pleading is not verified as required by CRC Rule 7.103(b). Need same.
8. Need Notice of Hearing with proof of service, including Michael Lee Reber, as he is named in decedent’s will.

RECOMMENDATION:

Need corrected accounting and to clear notes. If approved, court to set hearing on filing of receipts and final discharge for **06-14-11**.

(vet/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **SPR SS04872**

CASE NAME: ESTATE OF LILLIAN E MICHIK

SEE ALSO 17

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

RICHARD MICHIK (PET)...JEFFORD C DAVIS
LILLIAN E MICHIK (DEC)...
ROBERT MICHIK (TP)...SHORE & WURM
BERNARD M BIDART/CA PROBATE RE(PRO/PER)...PRO/PER

GENERAL INFORMATION:

Continued from 4/15/05, 7/8/05, 9/30/05 (powers suspended, court set OSC re sanctions), 12/9/05, 2/10/07, 5/5/06 (status hearing set), 8/18/06 (powers reinstated), 9/29/06, 11/20/06 (court set OSC re sanctions), 1/22/07 (need bank statements, accounting review set), 3/12/07, 4/30/06 (review/OSC to file bank statements).

Continued from 5/8/08, 7/3/08 and 8-21-08 Letters filed.

Continued from 10/2/08. The COURT AGAIN SUSPENDS RICHARD MICHIK'S

POWERS. Richard Michik is ordered to personally appear on 11/24/08 and make payment of \$3159.12 by cashier's check. Citation issued to Richard Michik to appear on 11/24/08 Court inquires of counsel for Robert Michik (who resides out of state) whether he could act as successor, otherwise the court will appoint the Public Administrator.

Ex-parte hearing on 10/14/08 re Order referring matter to PA: The court has been informed by Attorney Wurm that his client, Robert Michik, is not interested in being appointed successor administrator, and the court refers matter to the Public Administrator, who is directed to review the file for possible appointment and to appear at the hearing on 11/24/08.

Continued from 11-24-08. Richard Michik advised that he is ready to proceed and his powers were reinstated. Court needs receipt for payment of probate referee fees. Court also needs receipt for deposit of \$3,159.12 into estate account. Mr. Michik and Mr. Davis were ordered to appear at the 1-20-09 hearing. Nothing new filed.

Continued from 1-20-09, 03/24/09 and 04/28/09 at request of counsel. If notes are not cleared by 06/16/09, court will appoint Public Administrator.

Continued from 06/16/09. Counsel to follow up with probate referee to verify payment or issue new check, clarify balance between Inventory and Appraisal and deposit slip.

Continued from 07/28/09 and 09/01/09 at request of counsel to clear notes.

Continued from 11/3/09. No appearance. Court again suspended representative's powers. Referred to PA. Clerk mailed notice.

Continued from 12-15-09. Probate referee has been paid. Counsel to obtain receipt from referee. Need corrected I & A – Still trying to sell one piece of property.

Continued from 02-09-10 at request of counsel who requests more time as petitioner wants to sell Salton Sea property rather than distribute to 12 heirs.

Continued from 04-06-10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final I&A filed on 11/17/06. Need copies of bank statements verifying date of death balance per Local Rules of Court, Rule 20-908. Petitioner indicates that the prior Conservator, Guay Wilson, issued a check to petitioner's attorney on 05/12/04 and then attorney to petitioner on 05/26/04; deposit slip provided. Copy of Conservatorship order for distribution from 04/07/03 (LA county case A193474) submitted indicating assets on hand of \$35,103.93. However, the copy of the deposit slip and beginning accounting balance is \$26,004.85 and the Inventory and Appraisal indicates a cash balance of \$26,194.02. Need verified supplement explaining the discrepancy.
2. There is a discrepancy with the Inventory and Appraisal balance and the deposit slip provided. Need to file verified supplement re this discrepancy.
3. **Need receipt of payment re: probate referee.**

RECOMMENDATION:

Need to clear notes and provide receipt for payment of Probate Referee's fees.

(kra/gls/kra/gls/kra/NMT/cbr/abs/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **SPR SS04872**

CASE NAME: ESTATE OF LILLIAN E MICHIK

SEE ALSO 16

HEARING:

FIRST Account and Report of RICHARD MICHIK and Petition for allowance of fees filed.

COUNSEL:

RICHARD MICHIK (PET)...JEFFORD C DAVIS
LILLIAN E MICHIK (DEC)...
ROBERT MICHIK (TP)...SHORE & WURM
BERNARD M BIDART/CA PROBATE RE(PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 2/25/08 at request of counsel.

Continued from 4/3/08. No appearance. Court orders petitioner to reimburse the amount of \$3,159.12 and reserves jurisdiction as to interest on this amount. Court orders Jefford Davis and Richard Michik to personally appear at next hearing. Clerk mailed notice. Nothing new filed.

Continued from 05-08-08 and 7/9/08 8-21-08. Only new thing filed was letters.

Continued from 10/2/08 to trail I&A hearing. The COURT AGAIN SUSPENDS RICHARD MICHIK'S POWERS.

Continued from 11-24-08. Richard Michik advised that he is ready to proceed and his powers were reinstated. Court needs receipt for payment of probate referee fees. Court also needs receipt for deposit of \$3,159.12 into estate account. Mr. Michik and Mr. Davis were ordered to appear at the 1-20-09 hearing. Nothing new filed.

Continued from 1-20-09, 03/24/09 and 04/28/09 at request of counsel. If notes are not cleared by 06/16/09, court will appoint Public Administrator. Nothing new filed.

Continued from 06/16/09. Counsel to clarify negative balance, prepare summary of account and supporting schedules per Pr. C. § 1060 et seq.

Continued from 07/28/09 and 09/01/09 at request of counsel to clear notes.

Continued from 11/3/09. No appearance. Court again suspended representative's powers. Referred to PA. Clerk mailed notice.

Continued from 12-15-09 at request of counsel.

Continued from 02-09-10 at request of counsel. Counsel indicates schedules are off by \$485.00.

Continued from 04-06-10 at request of counsel.

THIS CASE IS SET FOR HEARING ON 1st account current

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need to clear notes re Inventory and Appraisal.
2. Accounting report is unverified and the supplement verification is not dated. Need verification of all reports filed.
3. Supplemental accounting filed; however; there is no summary of account or supporting schedules per Pr. C. § 1060 et seq. It cannot be determined whether or not this accounting balances as all transactions are lumped together with costs not reimbursable. Need to file proper accounting to comply with Pr.C. §1060 et seq.
4. Copy of Conservatorship order for distribution from 04/07/03 (LA county case A193474) submitted indicating assets on hand of \$35,103.93. However, the copy of the deposit slip and beginning accounting balance is \$26,004.85 and the Inventory and Appraisal indicates a cash balance of \$26,194.02. Need verified supplement explaining the discrepancy.
5. Need a verified supplement explaining the discrepancy.
6. Petitioner has made preliminary distributions. However, it appears petitioner has distributed the entire cash on hand and without prior court order. Question the authority of the preliminary distributions and the distributions made to Jackie, Melissa, and Douglas Michik? **Supp: petitioner indicates that the will and codicil provides for these distributions and, additionally, petitioner indicates the families were in financial crisis. The only potential harm is that statutory fees/commissions have not yet been paid and the ongoing expenses of the administration (i.e., real property taxes and real property maintenance, if any). However, there is a small amount of cash held in the attorney-client trust account (see note 5).**
7. Petitioner reimbursed himself a total of \$3,159.12 which included petitioner's statutory fees, travel expenses and copies without court approval. All funds have since been returned to the estate and are being held in the attorney/client trust account.
8. Petitioner notes at the end of itemized reimbursements that the checking account was closed on 8/9/07 with \$186.81 and a projected balance of - \$309.50. Supp: the account was closed to avoid the monthly service charges of \$9 a month. Petitioner deposited \$200 in the account prior to its closing and then reimbursed himself the \$200 leaving a projected negative balance in the amount of -\$13.90. Question whether this has been cured. **Supp: 06/11/09: Petitioner alleges that the account balance at the time of closing (04/31/07) was -\$186.81. Therefore, petitioner deposited \$200 of his own funds to clear the negative balance and the difference between the projected negative balance and the actual negative balance is the \$13.19.**

9. Need receipts for distributions and payments. **Copies of receipts filed; tabbed.**
10. Petitioner alleges the estate cannot be closed as the real property in Salton Sea has not yet closed. Petitioner alleges the property has been listed for sale since 1/2006, but no offers have been received. Petitioner would like to continue his attempts to sell the property as there are no objections from the heirs at this time. However, how does petitioner plan to pay for the taxes and upkeep if the estate has already been distributed to the heirs and statutory fees have not yet been paid? Need to file verified supplement. **Supp: 06/11/09: Petitioner indicates that the property is unimproved land that does not require upkeep. Petitioner also states the property taxes of \$73.16 should not be a burden to the estate.**
11. Petitioner indicates that he will need an additional six months to close the estate.

RECOMMENDATION:

Need to clear notes. Set hearing for the next status report and/or account for **06-14-11**. Any accounting to be filed 30 days in advance

(kra/gls/vet/gls/KRA/NMT/cbr/abs/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **SPR SS06513**

CASE NAME: LINDA G CRAMBERG TRUST

HEARING:
Probate status report filed.

COUNSEL:

BRIAN D LYNCH	(PET)...	ROGER VON KAESBORG
DAVID L CARDWELL	(PET)...	
LINDA G CRAMBERG TRUST	(TRU)...	
JOHN D MICKUS	(PET)...	JOHN D MICKUS
STEPHANIE WOOD	(STE)...	HARTNELL LISTER & MOORE
JOHN D MICKUS	(JOHN D MICKUS)...JOHN D MI

X REFERENCE SPR06514 #26

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner asserts the sole asset of the trust is improved real property, located in Tennessee, which has been deeded to Petitioner pursuant to a Grant Deed from the trust, to Petitioner. Petitioner alleges there had been a piece of property located at 35139 Elm Lane in Yucaipa that had belonged to the trust, for which, Petitioner believes has been lost to a foreclosure sale. Petitioner maintains that as a result, there are no assets in the trust.
2. Petitioner maintains that issues in related matter SPR06514 have been resolved and that an estate was opened solely to conduct ancillary proceedings in Tennessee regarding the real property.
3. Petitioner requests that this trust be terminated and petitioner be discharged as trustee. In the alternative, petitioner requests that this accounting review be continued for an additional 6 months to allow petitioner to file a Petition to Terminate the Trust.
4. Need order appointing Brian Lynch as Successor Trustee.

5. File notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting, notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory**

RECOMMENDATION:

Require separate accountings from prior trustee, John Mickus and current trustee, Brian Lynch. If approved, set hearing for final accountings and Petition to Terminate Trust for **08-16-11**.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **SPR SS06700**

CASE NAME: EST OF VERSEL EUNICE BELL

HEARING:

Hearing Re: Receipts and Final Discharge

COUNSEL:

HERBERT CARL FORD	(PET)...PRO/PER
VERSEL EUNICE BELL	(DEC)...
HAROLD EDGAR BELL	(PET)...PRO/PER

GENERAL INFORMATION:

Continued several times since 7/28/08 and last from 12/3/09. No appearance made. On 9/17/09 and again on 10/22/09, Court notes that sanctions of \$400 will be imposed against Herbert Carl Ford if receipts/discharge are not received.

Continued from 02-04-10. Herbert Carl has failed to appear, failed to file receipts and final discharge as previously ordered. Court orders bench warrant issued in the amount of \$1 million dollars. Matter is referred to PA to close up the case. PA noticed by clerk's office.

Continued from 03-23-10 at request of counsel. Counsel states real property has been distributed but Public administrator still needs to obtain copies of recorded documents. Court notes bench warrant for administrator is still outstanding.

THIS CASE IS SET FOR HEARING ON OSC re failure to appear and/or file receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Final distribution approved 7/23/07.
2. Need to submit final discharge declaration/order.
3. At 12/3/09 hearing re Sanctions for Failure to Appear/File, Executor, Herbert Carl Ford, challenged the I&A done 4 years ago appraising property at \$583,000 and indicated realistic value was \$1 million.
Harold Edgar Bell stated that his portion of oil lease was transferred to Mr. Ford but Mr. Ford had not transferred oil lease under his name.

Court gives one last chance for Mr. Ford to talk to an attorney to straighten everything out and ordered Mr. Ford to file receipts and final discharge petition/order and appear on 2/4/10.

RECOMMENDATION:

Court's discretion.

(/gls/fhl/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 9:00 DEPT: S34P

CASE#: **VPR VS002868**

CASE NAME: ESTATE OF MARGARET SAWKA

HEARING:

Hearing Re: OSC RE: FAILURE TO APPEAR/FAILURE TO FILE

COUNSEL:

MICHAEL D SMITH (PET)...PRO/PER

MARGARET SAWKA (DEC)...

GENERAL INFORMATION

This matter set at **11/4/09** hearing on final discharge. No appearance.

Continued from **12/23/09** at request of petitioner. No appearance necessary if receipts and discharge order filed.

Continued from **3/24/10**, no appearance. If receipts not filed before next hearing, Mr. Smith is ordered to appear personally and court will impose sanctions of \$1,000.

Continued from 04-28-10 due to non-appearances as previously ordered by the Court. The Court imposes sanctions against Michael D. Smith in the amount of \$1,000 to be paid to the court within 30 days.

THIS CASE IS SET FOR HEARING ON
OSC re sanctions for FTA/file receipts

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Final distribution on waiver of accounting approved on 10/29/08. Order for Final Distribution signed on 1/16/09.
2. Hearing on receipts and final discharge held on 11/4/09. No appearance was made and court set this matter. Copy of minute order was mailed to attorney.
3. No receipts have been filed. Need same.
4. No ex parte petition/order for final discharge has been filed. Need same.
5. Sanctions not paid as of the review of this file. Need same.

RECOMMENDATION

Court's discretion. There is no bonding company to notice.
(smj/vet)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIPS**

DATE: 06/08/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000036**

CASE NAME: MONICA E MORALES

HEARING:
Petition for Appointment of Conservator

COUNSEL:
RAUL V MORALES (CE)...ROBERT J SPITZ
MONICA E MORALES (CTE)...

GENERAL INFORMATION:

Continued from 3/23/10. Court was advised that only asset, the home, was in escrow. Court noted that petitioner does not have any authority to sign contracts for sale. Court appointed atty Jeanne Kennedy as GAL.

Continued from 04-27-10 at request of Attorney Spitz. Notice given by Attorney Spitz.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservatorship of estate by son.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests judicial notice of various documents (exemplified) contained in the filed in the Probate Court of Franklin County Ohio Case Number 535890 regarding "The Matter of the Guardianship of Monica E. Morales, Probate Court of Franklin County and State of Ohio."
2. Petitioner seeks Pr. C. § 2590 powers to sell real or personal property of the estate and proceeds to be used for Conservatee's care and personal needs. Guardianship of the Person and Estate has already been established in Franklin, Ohio. Question if a Pr. C. § 2540 Petition Authorizing Sale of Conservatee's Residence will be filed? Also, question if a Pr. C. § 2803 Petition to Transfer Personal Property out of State will be filed upon the sale of conservatee's residence? Need verified supplement.
3. Petitioner requests bond be fixed at \$20,000 based on estimated estate value of \$103,000. Suggest bond of \$114,000, includes recovery costs. JTD.

4. Notice of Hearing with proof of service filed. However, notice does not include sibling Peter Morales. Petitioner asserts that Peter Morales moved to an unknown address about 2008 and his whereabouts are unknown. Does Court wish to require Declaration of Due Diligence as to Peter Morales? JTD.
5. Need return of citation.
6. CI filed Notice of No Report stating that a CI report will not be filed because proposed conservatee resided in Ohio and conservatorship would be for estate only.
7. Need report of GAL Jeanne Kennedy.
8. Section 3 of Confidential Conservator Screening form is incomplete and verification section is not dated. Need completion of same.
9. Confidential Supplemental Information and Medical Capacity Information form (with dementia attachment) filed. Question if petitioner is also requesting conservatorship of the person? If so, sections 3a, 4, 5, 9(a)(5) and 9(b) of Capacity Declaration are incomplete. Need completion of same.
10. Need Certificate of Completion re Conservatorship Class.

RECOMMENDATION:

Need to clear notes then Court's determination re: bond and due diligence declaration. If approved, set hearing for Compliance Review for **01/11/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C. §1830(c); Care Plan per Pr.C. §2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C. §2610; recordation of letters if applicable per Pr.C. §2313.

Set hearing re Accounting Review for **08/16/11**. Any accounting to be filed 30 days in advance.

(vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0800302**

CASE NAME: MANUEL ANGULO

HEARING:
Hearing Re: REVIEW OF REPORTS

	COUNSEL:
EVA ROMAN	(CPE)...LAYNE A BARTHOLOMEW
MANUEL ANGULO	(CEP)...MITCHELL I ROTH
EVA ROMAN	(CPE)...LAYNE A BARTHOLOMEW
MANUEL ANGULO	(CEP)...MITCHELL I ROTH

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Review of Reports

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set at first account hearing held on 04-14-10. Court directed CI to interview the conservatee at the Big Dipper facility and report back to court. Mr. Roth to investigate referrals re: post acute facilities or programs to address conservatee's specific problems. IRC directed to look into this and report back to court. Referred to CI and IRC for investigation and reports. Need same.

RECOMMENDATION:
Need reports from CI and IRC, then Court's discretion.

(vet)

FUTURE HEARINGS:
3/22/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900192**

CASE NAME: TOMASA RAMIREZ

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of MARIA VASQUEZ

COUNSEL:

MARIA VASQUEZ	(CP)...PRO/PER
TOMASA RAMIREZ	(CTP)...NOREEN FONTAINE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal/Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Maria Vasquez appointed conservator, person only, on 11-03-09.
2. Need proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c).
3. Need Statement of Care Plan in accord with Pr.C.§2352.5.
4. Need Court Investigator 6 month report per Pr.C.§1850(a)(1).

RECOMMENDATION:

When documents are not filed as ordered, court may set a hearing in accord with Pr.C.§2655.

(vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS02168**

CASE NAME: MTR OF EUGENE E. ARMISTEAD JR.

SEE ALSO 25

HEARING:

Hearing Re: STATUS OF CONSERVATORSHIP (Pr C 1851)

COUNSEL:

SHIRLEY J. ARMISTEAD (CPE)...PRO/PER

EUGENE E. ARMISTEAD JR (CEP)...JOHN N. VEGA

GENERAL INFORMATION:

Continued from 07/30/09 at request of counsel. Court noted the recommendation for change of address and an accounting needs to be filed.

Continued from 11-24-09. Counsel reports the conservator and conservatee moved and currently reside in Panama. Counsel gives two addresses for the conservator/conservatee. Counsel further indicates a petition to terminate conservatorship will be filed. Court orders the conservator Shirley Armistead to file a declaration under penalty of perjury as to when the move to Panama was made and current care status of conservatee.

Continued from 02-02-10 at request of counsel.

Continued from 03-09-10.

THIS CASE IS SET FOR HEARING ON Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The court set this matter on the court's own motion after the court had read and considered the Court Investigator's memo dated 4/30/09. The court issued a citation to conservator, Shirley J. Armistead. CI filed a new Memo on 7/15/09 re the location of conservator/conservatee and seeking direction (tabbed in confidential jacket of file).
2. **Need return of Citation. UPDATE: Return filed showing conservator/conservatee could not be served. Need same.**
3. **Need declaration by Shirley Armistad as ordered by Court on 11-24-09.**

RECOMMENDATION:

Need to clear notes 2 & 3. Clerk to update conservator/conservatee's addresses.
(gls/abs/cbr/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS02168**

CASE NAME: MTR OF EUGENE E. ARMISTEAD JR.

SEE ALSO 24

HEARING:
Accounting Review

COUNSEL:
SHIRLEY J. ARMISTEAD (CPE)...PRO/PER
EUGENE E. ARMISTEAD JR (CEP)...JOHN N. VEGA

GENERAL INFORMATION

Continued from 11-24-09. Court needs an accounting or waiver for periods 09-22-07 to 09-21-09, the end of conservatorship.

Continued from 02-02-10 at request of counsel.

Continued from 03-09-10 for service on relatives up to the 2nd degree. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting dispensed on 11/20/07.
2. Need accounting for period 09/22/07 – 09/21/09.
3. Need Notice of Hearing with proof of service, including relatives to the 2nd degree per Court's direction on 03-09-10.

RECOMMENDATION

Need to clear notes 2 & 3. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(cbr/vet/vet/vet)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/08/10 TIME: 10:30 DEPT: S34P

CASE#: **SPR SS06514**

CASE NAME: ** MF**LINDA GAIL CARDWELL

HEARING:
Probate status report filed.

COUNSEL:

DAVID L CARDWELL	(PET)...	FULLERTON LEMANN SCHAEFFER & D
LINDA GAIL CARDWELL	(DEC)...	
JOHN D MICKUS	(SPA)...	PRO/PER
BRIAN D LYNCH	(OBJ)...	ROGER VON KAESBORG
STEPHANIE WOOD	(E. JOAN NELMS)...E. JOAN N

X REFERENCE SPR 06513 # 18

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON **status report**.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the estate is not in a condition to be closed as ancillary proceedings in Tennessee re: the real property have been placed on hold due to Petitioner's inability to appear in person. Petitioner alleges he is in the process of attempting to obtain a fee waiver for the accounting on the estate in the event it is closed as a no-asset estate.
2. Petitioner requests an additional 12 months to close the estate.
3. File notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting, notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory.**

RECOMMENDATION:

RFA subject to note 3. Set hearing for the next status report and/or account for **08-16-11**. Any accounting to be filed 30 days in advance.

(vet)